

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 29, 2002

DIVISION ONE

B139626 McGraw (Not for Publication)

v.
Superior Court, Los Angeles County
(McGraw, r.p.i.)

The petition is denied.

Spencer, P.J.

We concur: Ortega, J.
 Mallano, J.

B144930 The Committee to Save the Beverly (Not for Publication)
 Highlands Homes Association et al.

v.
The Beverly Highlands Homes Association et al.

Those portions of the trial court's September 13, 2000 order declaring plaintiffs to be the prevailing parties and awarding them attorney's fees and costs are reversed. Defendants are to recover costs on appeal.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Mallano, J.

DIVISION ONE (Continued)

B150906 Wright (Not for Publication)

V.

Braun

Estate of Harland Marvin Braun

Based on appellant's request, we dismiss the appeal and direct the parties to pay their own costs.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B131421 West century 102 LTD. etc., et al. (Not for Publication)

V.

City of Inglewood et al.

The amended judgment is affirmed. The order partially granting defendants' motion to tax costs is reversed and the trial court is directed to reconsider plaintiffs' request for post-judgment attorney's fees in light of the views expressed herein. Plaintiffs are to recover their costs on appeal, as well as reasonable attorney's fees pursuant to Code of Civil Procedure section 1036 to be determined by the trial court.

Spencer, P.J.

I concur: Ortega, J.

I concur in the judgment only: Vogel (Miriam A.), J.

B151515 Little (Not for Publication)

V.

Kay

The judgment is affirmed.

Spencer, P.J.

I concur: Ortega, J.

I concur in the judgment only: Vogel (Miriam A.), J.

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B147422 People (Not for Publication)
v.
Nelson

The appeal is dismissed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B152862 People (Not for Publication)
v.
Rios, et al.

The judgment is affirmed.

Spencer, P.J.

I concur: Ortega, J.
I concur in the judgment only: Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B150719 Caranfil (Not for Publication)
v.
Wasson

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B147381 People (Not for Publication)
v.
Scott

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

[illegible]

The order is reversed. The trial court is directed to enter a new and different order compelling the production of all documents sought other than defendant's federal and state income tax returns. Defendant is to recover his costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
Rico, J. (Assigned)

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B144003 Bennini, Inc. (Not for Publication)
v.
Tai Yuen Textile Co., Ltd.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B153771 People (Not for Publication)
v.
Arellano

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B157071 Jamie P. (Not for Publication)
v.
Superior Court, Los Angeles County
(L.A. County Department of Children & Family Services, r.p.i.)

The petition is denied.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

DIVISION TWO

B151473 Armedilla (Not for Publication)
v.
Southern California Permanente Medical Group

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Doi Todd, J.

B146032 Goel (Not for Publication)
v.
Anything Yellow, Inc., et al.

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Doi Todd, J.

DIVISION TWO (Continued)

B149885 Kasha et al. (Not for Publication)
 v.
 Mountains Recreation and Conservation Authority

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Ashmann-Gerst, J.

DIVISION THREE

B152367 Sprig Electric Co., a California Corp.
 v.
 Los Angeles Unified School District, a public agency

Filed order denying petition for rehearing.

B144816 Robert E. Sanders (Not for Publication)
 v.
 Audrea D. Barnes

The judgment is reversed. Each party to bear their own costs.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (Continued)

B157068 Melissa M. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied. The request for stay is denied.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B146871 Ebrahim Khatibi et al (Not for Publication)
v.
City of Palmdale et al.

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION FOUR

B144944 People (Not for Publication)
v.
Patterson

Appellant's sentence and the true finding on the prior convictions allegations are vacated. The matter is remanded for retrial of this allegation and for resentencing. The sentencing court is also directed to ensure that the corrected abstract of judgment accurately reflects the jury's findings of no great bodily injury enhancements as to courts 3 and 4. In all other respects, the judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION FOUR (Continued)

B122178 White (Certified for Publication)
v.
Davis

The appeal in the action initiated by White (B122178) is dismissed as moot. White and respondents in this action shall bear their own costs on appeal. The preliminary injunction in the action initiated by Jarvis and White (B123992) is reversed to the extent that it bars the Controller from disbursing funds pursuant to (1) continuing appropriations, (2) article III, section 4, and article XVI, section 8.5, of the state Constitution, (3) the Federal Labor Standards Act (29 U.S.C. § 201 et seq.), and (4) the federal funding mandates that we have identified applicable to the Food Stamp program (7 U.S.C. § 2011 et seq.), Foster Care and Adoption programs (42 U.S.C. § 670 et seq.), Child Support program (42 U.S.C. §§ 651-669b), and Child Welfare Services program (42 U.S.C. §§ 620-628). The preliminary injunction is otherwise affirmed. In view of Jarvis and White's abandonment of further action in the trial court, we do not remand the matter for modification of the preliminary injunction. Appellants in the action initiated by Jarvis and White are awarded their costs on appeal. The writ of supersedeas will remain in effect until the issuance of our remittitur. The petitions for writ of mandate (B124395, B124397, B124398) are dismissed as moot. Petitioners are awarded their costs regarding these petitions.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

B149961 People (Not for Publication)
v.
Buford et al.

For the foregoing reasons we affirm the judgment as to each appellant.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FOUR (Continued)

B152812 People (Not for Publication)
v.
Francisco Espinoza

For the foregoing reasons, the judgment is modified to strike the one-year enhancement pursuant to Penal Code section 667.5, subdivision (b), and to award appellant a total of 940 days of custody credits. As modified the judgment is affirmed. The trial court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting these modifications.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B152730 People (Not for Publication)
v.
James Duncan Mowatt

For the foregoing reasons, the judgment is affirmed.

Hastings, J.

I concur: Curry, J.
I concur in the judgment only: Epstein, Acting P.J.

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION FOUR (Continued)

B153461 People (Not for Publication)
v.
Cathy Johnson

For the foregoing reasons, the judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

DIVISION FIVE

B146350 B.W.T. Industries, Inc. et al
v.
Transportation Insurance Company

Filed order granting petition for rehearing.

B151338 People
v.
Jason L. Higley

Filed order denying petition for rehearing.

B151003 Joseph E. Berberich et al.
v.
The City Council of The City of Los Angeles et al.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed June 1, 2001) dismissed.

DIVISION SIX

B151058 People (Not for Publication)
v.
DeNoce

The judgment (order reinstating and modifying conditions of probation) is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B151132 Beluris (Not for Publication)
v.
Gateley, et al.

The judgments are affirmed. Costs are awarded to respondents.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SEVEN

B150228 Lopez (Certified for Publication)
v.
Baca

The judgment is affirmed. Lopez shall pay Baca's costs on appeal.

Perluss, J.

I concur: Woods, J.
I dissent: Johnson, Acting P.J. (Opinion)

DIVISION SEVEN (Continued)

B150264 McAlpin (Not for Publication)
v.
Legal Reproductive Services, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Woods, J.
Perluss, J.

B153375 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Martha D.
In re Renee D., et al., minors

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Perluss, J.

DIVISION EIGHT

Court convened at 9:00 A.M.

Present: Cooper, P.J., Rubin, J., Boland, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B147421 People v. Chan
B150656 People v. Banks

Argument waived, cause submitted.

B151113 People
 v.
 Smith

Merits:

Argued by Walter L. Gordon for appellant and by Suzann E. Papagoda, deputy attorney general, for respondent. Cause submitted.

B151933 People
 v.
 Ochoa

Merits:

Argued by Joe Ingber for appellant. Laura H. Bak-Boychuck, deputy attorney general, appearing for respondent waives argument. Cause submitted.

B151453 People
 v.
 Jones

Merits:

Argued by Otis L. Hubbard for appellant and by Allison H. Chung, deputy attorney general, for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B152554 Kyees
 v.
 Jeffer, Mangels, Butler, et al.

Merits:
Argued by Patricia L. Glaser for appellants and by John M. Gatti for
respondent. Cause submitted.

B154301 Elsherif
 v.
 Elsherif

Merits:
Argued by Moustafa Elsherif appellant, in propria persona, and by Jeffrey
W. Doeringer for respondent. Cause submitted.

B141818 MTS Communications Company
 v.
 Mosaic Capital

Merits:
Argued by James M. Jimenez for appellant and by Gary R. Clouse for
respondent. Cause submitted.

B148993 People
 v.
 Santos and Griffin

Oral argument continued to June 28, 2002, at 9:00 A.M.

Court adjourned at 11:12 A.M.